

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARK R. WINKLE,

Plaintiff,

:

Case No. 3:14-cv-020

- vs -

District Judge Thomas M. Rose

Magistrate Judge Michael R. Merz

CAROL S. LORANGER, et al.,

Defendants.

:

**REPORT AND RECOMMENDATIONS REGARDING FEDERAL
DEFENDANTS**

On April 7, 2014, the Court notified Plaintiff that the United States Attorney objected to the sufficiency of service of process on the federal Defendants in this case, to wit, the United States Department of Education and United States Secretary of Education Arne Duncan (Doc. No. 11). The Court noted the apparent correctness of the objection and advised the Plaintiff that, pursuant to Fed. R. Civ. P. 4(m), the Magistrate Judge would recommend dismissal of any Defendants not properly served by May 21, 2014.

As of the date of this Report, no further proof of service on the Department or on Secretary Duncan has been made. It is accordingly recommended that the Amended Complaint

be dismissed as to these two Defendants without prejudice for want of prosecution.

May 28, 2014.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).